IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:		Atty. Docket No.:	005288.00004
Alamgir Farouk			
Serial No.:	09/881,597	Group Art Unit:	2457
Filed:	June 14, 2001	Examiner:	Halim, Sahera
For:	Feature-Based Device Description and Content Annotation	Confirmation No.:	6419

APPEAL BRIEF

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Sir:

This is an Appeal Brief filed in support of Appellant's Notice of Appeal, filed June 2, 2009. Appeal is taken from the Final Office Action mailed March 4, 2009 (hereafter, "Final Office Action").

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733. Any necessary extensions of time are hereby requested.

REAL PARTY IN INTEREST
37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Nokia Corporation of Espoo, Finland.

RELATED APPEALS AND INTERFERENCES
37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

STATUS OF CLAIMS
37 C.F.R. § 41.37(c)(1)(iii)

Claims 1, 7, 18-19, 25, 32, and 42 have been canceled. Claims 2-6, 8-17, 20-24, 26-31, 33-41 and 43-63 are rejected and presently appealed.

STATUS OF AMENDMENTS
37 C.F.R. § 41.37(c)(1)(iv)

No amendments have been made subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER
37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and/or drawings to explain the claimed invention, Appellant does not intend to limit the claims to those embodiments; all references to the filed specification and drawings are illustrative unless otherwise explicitly stated. Moreover, written description support may be found in the filed specification when read as a whole, in addition to the specific passages cited.

Independent Claim 50

Independent claim 50 recites a method [FIG. 2; page 14 line 15 to page 15 line 25] comprising:

receiving device-independent content comprising markup information identifying one or more device feature values associated with the device-independent content [FIG. 1, element 43; FIG. 2, element 109; page 13, lines 3-12; page 15, lines 8-14], wherein the device-independent content is responsive to a content request from a network terminal device [FIG. 1, element 27; FIG. 2, element 101; page 14 line 15 to page 15 line 1];

identifying one or more device feature values associated with the network terminal device [FIG. 1, element 49; FIG. 2, element 107; page 15, lines 1-7; page 16, lines 1-26];

matching at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the network terminal device [FIG. 2, element 111; FIG. 4, element 139; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-23];

based on said matching, converting the device-independent content into device-specific content adapted to said network terminal device [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27]; and

providing the device-specific content to the network terminal device [FIG. 1, element 39; FIG. 2, element 113; page 15, lines 24-25].

Independent Claim 51

Independent claim 51 recites a system [FIG. 1], comprising:

a network terminal device detector [FIG. 1, element 21] configured to receive a content request [FIG. 1, element 27; FIG. 2, element 101; page 14 line 15 to page 15 line 1] from a network terminal device [FIG. 1, elements 13a-13n] and to determine therefrom one or more device feature values associated with the requesting network terminal device [FIG. 1, element 49; FIG. 2, element 107; page 15, lines 1-7; page 16, lines 1-26];

an origin server [FIG. 1, element 51] configured to receive said content request and, in response thereto, to provide device-independent content corresponding to said content request [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27], wherein said device-independent content comprises markup

information identifying one or more device feature values associated with the device-independent content [FIG. 1, element 43; FIG. 2, element 109; page 13, lines 3-12; page 15, lines 8-14];

a transformer [FIG. 1, element 25] configured to receive said device-independent content from said origin server [FIG. 1, elements 37 and 43; FIG. 2, element 109; page 13, lines 3-12; page 15, lines 8-14], to associate at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the network terminal device [FIG. 2, element 111; FIG. 4, element 139; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-23], and to transform said device-independent content into device-specific content formatted for the requesting network terminal device [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27].

Independent Claim 52

Independent claim 52 recites one or more computer readable media storing computer executable instructions [FIG. 1, elements 21, 23, 25; page 4, lines 4-14; page 18, lines 1-3] that, when executed, perform a method [FIG. 2; page 14 line 15 to page 15 line 25] comprising:

receiving a request for content from a terminal device [FIG. 1, element 27; FIG. 2, element 101; page 14 line 15 to page 15 line 1];

based on said request, identifying one or more device display characteristics associated with the terminal device [FIG. 1, element 49; FIG. 2, element 107; page 15, lines 1-7; page 16, lines 1-26];

receiving content responsive to the request, wherein said content comprises markup information identifying one or more content display characteristics [FIG. 1, element 43; FIG. 2, element 109; page 13, lines 3-12; page 15, lines 8-14], said content display characteristics expressing instructions from an author for displaying said content on a plurality of devices having different display characteristics [FIG. 1, elements 11, 41, 43; page 16, lines 14-26; page 17 line 20 to page 18 line 13];

matching one or more device display characteristics with one or more content display characteristics [FIG. 2, element 111; FIG. 4, element 139; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-23];

based on said matching, converting the content into a device-dependent format compatible with one or more device display characteristics of the terminal device [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27]; and

transmitting said device-dependent formatted content to the terminal device [FIG. 1, element 39; FIG. 2, element 113; page 15, lines 24-25].

Independent Claim 53

Independent claim 53 recites a method [FIG. 2; page 14 line 15 to page 15 line 25] comprising:

receiving a request for content from a data processing device [FIG. 1, element 27; FIG. 2, element 101; page 14 line 15 to page 15 line 1];

identifying one or more display feature values associated with the requesting data processing device [FIG. 1, element 49; FIG. 2, element 107; page 15, lines 1-7; page 16, lines 1-26];

receiving device-independent content responsive to the request for content [FIG. 1, element 43; FIG. 2, element 109; page 13, lines 3-12; page 15, lines 8-14], the device-independent content comprising embedded annotations specifying instructions from an author for displaying the content on a plurality of devices having different display characteristics, said embedded annotations including one or more content display feature values [FIG. 1, elements 11, 41, 43; page 16, lines 14-26; page 17 line 20 to page 18 line 13];

matching one or more display feature values associated with the requesting data processing device with one or more content display feature values in the embedded annotations in the device-independent content [FIG. 2, element 111; FIG. 4, element 139; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-23]; and

converting the device-independent content into device-specific content based on said matching, said device-specific content compatible with one or more display feature values

associated with the requesting data processing device [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27].

Independent Claim 56

Independent claim 56 recites an apparatus [FIG. 1, elements 21, 23, 25] comprising:

a processor configured to control some operations of the apparatus in conformance with computer executable instructions stored in memory [FIG. 1, elements 21, 23, 25; page 4, lines 4-14; page 18, lines 1-3], said instructions comprising:

receiving device-independent content comprising markup information identifying one or more device feature values associated with the device-independent content [FIG. 1, element 43; FIG. 2, element 109; page 13, lines 3-12; page 15, lines 8-14], wherein the device-independent content is responsive to a content request from a network terminal device [FIG. 1, element 27; FIG. 2, element 101; page 14 line 15 to page 15 line 1];

identifying one or more device feature values associated with the network terminal device [FIG. 1, element 49; FIG. 2, element 107; page 15, lines 1-7; page 16, lines 1-26];

matching at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the network terminal device [FIG. 2, element 111; FIG. 4, element 139; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-23];

based on said matching, converting the device-independent content into device-specific content adapted to said network terminal device [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27]; and

providing the device-specific content to the network terminal device [FIG. 1, element 39; FIG. 2, element 113; page 15, lines 24-25].

Independent Claim 58

Independent claim 58 recites an apparatus [FIG. 1, elements 13a-13n; FIG. 14, elements 201, 221] comprising:

a processor configured to control at least some operations of the apparatus [FIG. 1, elements 13a-13n; FIG. 14, elements 201, 221; page 11, lines 6-17; page 31, lines 10-13, 24-26];

a transceiver configured to send data to and receive data from a wireless telecommunications system [FIG. 1, elements 13a-13n; FIG. 14, elements 201, 221; page 4 line 22 to page 5 line 13];

memory storing computer executable instructions that, when executed by the processor [FIG. 1, elements 13a-13n; FIG. 14, elements 201, 221; page 4 line 22 to page 5 line 13], cause the apparatus to:

send a request for content stored as device-independent content comprising a markup-language defined page, wherein said request comprises an indication of a type of the apparatus [FIG. 1, element 27; FIG. 2, element 101; page 14 line 15 to page 15 line 1];

receive said content as device-dependent content [FIG. 1, element 39; FIG. 2, element 113; page 15, lines 24-25], wherein said device-dependent content comprises a modified version of the device-independent content, said modifications based on the type of the apparatus [FIG. 2, element 111; FIG. 4, elements 139 and 141; page 13 line 15 to page 14 line 14; page 15, lines 15-19; page 22, lines 19-27].

Dependent Claim 9

While the PTO regulations do not require a summary of claimed subject matter for dependent claims unless they recite means-plus-function clauses – see 37 C.F.R § 41.37(c)(1)(v) – in view of the PTO's practice of routinely rejecting appeal briefs for "non-compliance" with this rule whenever a dependent claim is separately argued, Applicant nevertheless submits a summary of dependent claim 9, which is argued separately below.

Dependent claim 9 recites the method of claim 50, wherein said step of converting the device-independent content comprises the step of removing said markup information from said device-independent content [page 15, lines 20-23].

Dependent Claim 54

While the PTO regulations do not require a summary of claimed subject matter for dependent claims unless they recite means-plus-function clauses – see 37 C.F.R § 41.37(c)(1)(v) – in view of the PTO's practice of routinely rejecting appeal briefs for "non-compliance" with this rule whenever a dependent claim is separately argued, Applicant nevertheless submits a summary of dependent claim 54, which is argued separately below.

Dependent claim 54 recites the method of claim 50, wherein the markup information comprises a first metatag identifying a first value for a first device feature and a second metatag identifying a second different value for the first device feature [page 12 line 3 to page 13 line 2].

Dependent Claim 55

While the PTO regulations do not require a summary of claimed subject matter for dependent claims unless they recite means-plus-function clauses – see 37 C.F.R § 41.37(c)(1)(v) – in view of the PTO's practice of routinely rejecting appeal briefs for "non-compliance" with this rule whenever a dependent claim is separately argued, Applicant nevertheless submits a summary of dependent claim 55, which is argued separately below.

Dependent claim 55 recites the method of claim 54, wherein the first metatag is associated with a first portion of requested content and the second metatag is associated with a related second portion of requested content, and wherein only one of the first portion and the

second portion is included in the device-specific content [page 12 line 3 to page 13 line 2; page 15, lines 20-23].

Dependent Claim 62

While the PTO regulations do not require a summary of claimed subject matter for dependent claims unless they recite means-plus-function clauses – see 37 C.F.R § 41.37(c)(1)(v) – in view of the PTO's practice of routinely rejecting appeal briefs for "non-compliance" with this rule whenever a dependent claim is separately argued, Applicant nevertheless submits a summary of dependent claim 62, which is argued separately below.

Dependent claim 62 recites the method of claim 50, wherein said matching comprises accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices [page 12 line 3 to page 13 line 2].

Dependent Claim 63

While the PTO regulations do not require a summary of claimed subject matter for dependent claims unless they recite means-plus-function clauses – see 37 C.F.R § 41.37(c)(1)(v) – in view of the PTO's practice of routinely rejecting appeal briefs for "non-compliance" with this rule whenever a dependent claim is separately argued, Applicant nevertheless submits a summary of dependent claim 63, which is argued separately below.

Dependent claim 63 recites the apparatus of claim 56, wherein said matching comprises accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices [page 12 line 3 to page 13 line 2].

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
37 C.F.R. § 41.37(c)(1)(vi)

Claims 50-54, 56, 58, 8, 11-13, 21, 24, and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,822,663 B2 to Wang *et al.* ("Wang").

Claims 2-6, 57, 9-10, 14, 17, 20, 22-23, 26, 29-31, 33-41, 43, 45, 57, and 59-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of U.S. Patent No. 6,654,814 to Britton *et al.* ("Britton").

Claims 15, 46, 47, 48 and 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of Britton, and further in view of U.S. Patent Appl. Publication No. 2002/0091738 to Rohrabaugh *et al.* ("Rohrabaugh").

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of U.S. Patent No. 6,523,040 to Lo *et al.* ("Lo").

Claims 27 and 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of Rohrabaugh.

ARGUMENT
37 C.F.R. § 41.37(c)(1)(vii)

A. Rejections of Claims 54 and 55

With respect to claim 54, the Final Office Action rejects this claim as allegedly being unpatentable over Wang. However, the Final Office Action provides only the following statement in explanation of the rejection:

> 7. Claims 53-54, 56, and 58 have similar limitations as to claims 50 - 52, therefore, they are rejected under the same rational.

(Final Office Action, page 6).

With respect to claim 55, the Final Office Action summary indicates that this claim is rejected, however, the Final Office Action includes **no substantive rejection** of claim 55.

Additionally, in the Response to Arguments section, the Final Office Action further states:

> The applicant argues that claims 54, 55, and 58 were not addressed in the office action. These claims are similar to claim 50, 2-6, 8-17; thus, they are rejected under the same rational. Claims 54-55 are also rejected at least by virtue of their dependency on independent claim 50 and by other reasons set forth in the above action.

(Final Office Action, page 29).

However, contrary to these assertions in the Final Office Action, dependent claims 54 and 55 contain features not recited in independent claim 50, or in any other claim in the instant application. Specifically, claim 54 recites, "wherein the markup information comprises a first metatag identifying a first value for a first device feature and a second metatag identifying a second different value for the first device feature." Claim 55 depends from claim 54 and further recites, "wherein the first metatag is associated with a first portion of requested content and the second metatag is associated with a related second portion of requested content, and wherein only one of the first portion and the second portion is included in the device-specific content." Neither claim 50, nor any other claim in the instant application, recites wherein two different metatags identify two different values for the same device feature, as recited in claims 54 and 55.

Applicant, having carefully reviewed the Wang reference, submits that it does not teach or suggest receiving markup information comprising two different metatags identifying two different values for the same device feature. Therefore, and because the Final Office Action does not substantively address claims 54 and 55, nor does it reject any other claim that recites similar features, the Final Office Action has failed to establish a *prima facie* rejection of claims 54 and 55.

Furthermore, the Applicant has previously made this argument in the Request for Reconsideration submitted April 23, 2008 (see page 18), and again in the Amendment submitted November 25, 2008 (see page 14). Both of Applicant's previous submissions argued that the features of claims 54 and 55 were patentable over the cited references, and both submissions

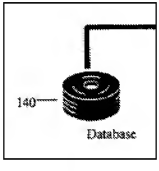
respectfully requested that the Examiner provide a substantive rejection these claims. However, Applicant's requests for substantive rejections of these claims were ignored.

B. Rejections of Claims 62 and 63

Claims 62 and 63 depend respectively from claim 50 and claim 56, and further recite "wherein said matching comprises accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices." The Final Office Action rejects both claims over Wang in view of Britton, but provides only the following statement in explanation of the rejection:

> 43. As per claims 62 and 63, Wang teaches said mating comprises accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices(see Fig. 1, database).

(Final Office Action, page 25). Applicant respectfully traverses. First, the Final Office Action only identifies Wang's database, shown below, as allegedly teaching the features of claims 62 and 63.



(Wang, FIG. 1). However, the mere presence of a database in Wang's system does not teach or suggest "a device profile repository including feature-value data for a plurality of different types of network terminal devices," as recited in claim 62 and 63 (emphasis added). Applicant has carefully reviewed the Wang reference, and neither the discussions of Wang's database 140, nor any other portion of Wang's disclosure, provides support for the rejections of claims 62 and 63.

Furthermore, the rejection of claims 62 and 63 in the Final Office Action is inconsistent with the earlier rejection of claim 20, which correctly acknowledges that Wang does not teach a device profile repository including a feature-value set for the features of terminal devices:

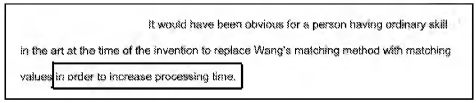
> 23. As per claim 20, Wang does not teach the communication system of claim further comprising a device profile repository accessible by said network terminal device detector, said device profile repository including a feature-value set for the requesting user network terminal device, said feature-value set including a set of selected user network terminal device features with one or more discrete device feature values assigned to each said selected user network terminal device feature.

(Final Office Action, page 14). This acknowledgement directly contradicts the improper rejections of claims 62 and 63. Applicant agrees that Wang does not teach a device profile repository including a feature-value set for the features of terminal devices, as recited in claim 20. Thus, Wang also does not teach or suggest "accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices," as recited in claim 62 and 63. Therefore, for at least these reasons, Applicant traverses the rejections of claim 62 and 62 under 35 U.S.C. § 103(a).

C. Independent Claims 50, 51, 56, and 58

Independent claims 50, 51, 56, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wang. Applicant respectfully traverses.

Claim 50 recites, *inter alia*, receiving device-independent content responsive to a content request, wherein the "device-independent content compris[es] markup language identifying one or more device feature values." The Office Action acknowledges on page 3 that Wang does not disclose requesting or receiving content comprising markup language identifying device feature values, but alleges in the following section that this modification of Wang would have been obvious:



(Final Office Action, page 3 (emphasis added)). Applicants submit that the Final Office Action has failed to provide an articulated reason for its proposed modification of Wang, and therefore has failed to establish a *prima facie* rejection under 35 U.S.C. § 103(a).

First, neither the Final Office Action nor any portion of the Wang reference describes how or why processing time would be affected by modifying Wang's system to incorporate the additional features of claim 50. Second, increasing processing time is a universally undesirable characteristic of computing systems, and no stated reason or rationale within Wang supports a modification of the system to increase its processing time.

Further, Applicant notes that the proposed modification of Wang is far from minor. Although Wang discloses rules that transform content, it uses entirely separate entities, designers at design consoles (102 or 104), to set the rules for the transformations. (FIG. 1; col. 6, lines 36-56). The modification of Wang proposed by the Final Office Action would essentially eliminate the designers, which are the primary focus of Wang's disclosure. (See, *e.g.*, FIGS. 6-26). Additionally, Wang's content transformation occurs at a different time than the converting recited in claim 50, in that Wang is only capable of transforming already existing web pages. (Col. 1, lines 14-15). Thus, Wang has no need or rationale for requesting/receiving device-independent content comprising markup language identifying device feature values, as recited in claim 50. For at least these reasons, Applicant submits that the attempted modification of Wang is impermissible hindsight.

Therefore, since the Final Office Action acknowledges that Wang does not disclose requesting or receiving content comprising markup language identifying device feature values, and has not provided any additional reference or any articulated reason for a proposed modification to cure this deficiency, Applicant respectfully traverses the rejection of claim 50 under 35 U.S.C. § 103(a) over Wang.

Independent claims 51, 56, and 58 recite similar features not disclosed by Wang. Specifically, claims 51 and 56 recite receiving "device-independent content compris[ing] markup

information identifying one or more device feature values associated with the device-independent content," and claim 58 recites receiving "device-dependent content compris[ing] a modified version of the device-independent content, said modifications based on the type of the apparatus." The Final Office Action rejects claims 51, 56, and 58 under 35 U.S.C. § 103(a), using the same attempted modification of Wang and providing the same rationale. Accordingly, Applicant traverses the rejections to independent claims 51, 56, 58 for similar reasons to those discussed above. First, because the Final Office Action acknowledges that Wang does not disclose requesting or receiving content comprising markup language identifying device feature values. Additionally, because the Final Office Action has provided no articulated reasoning for the attempted modification, and because any such modification would constitute impermissible hindsight.

D. Independent Claims 52 and 53

Independent claims 52 and 53 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wang. Applicant respectfully traverses.

Preliminarily, claims 52 and 53 recite similar features to those discussed above in reference to claim 50, which are not taught or suggested by Wang. Specifically, claim 52 recites receiving content responsive to a content request, "wherein said content comprises markup information identifying one or more content display characteristics," claim 53 recites receiving "device-independent content responsive to a content request comprising embedded annotations … for displaying the content on a plurality of devices having different display characteristics, said embedded annotations including one or more content display feature values." The Final Office Action acknowledges that Wang does not teach receiving content that comprises markup information, but then alleges that this would have been an obvious modification "to eliminate the burden on the proxy server". (Final Office Action, page 6). Nonetheless, the attempted modification of Wang is impermissible hindsight for the same reasons discussed above regarding claim 50.

Furthermore, claims 52 and 53 both recite rendering content based on the instructions of an author. Specifically, claim 52 recites wherein "said content display characteristics expressing instructions from an author for displaying said content on a plurality of devices having different

display characteristics," and claim 53 recites wherein "the device-independent content comprising embedded annotations specifying instructions from an author for displaying the content on a plurality of devices having different display characteristics" (emphasis added). In contrast, the transforming and rendering of content in Wang is only performed on existing web pages (see col. 1, lines 14-15), based on the work of a designer (FIG. 1, 102) who is a separate entity from the author (FIG. 1, 132). Thus, Wang does not disclose converting content expressing or specifying "instructions from an author," as respectively recited in claims 52 and 53. As an example to illustrate this distinction, FIG. 3 of Wang shows a 'result page' 304 corresponding to a modified view of the YAHOO!® web site that has been customized by a designer. This customized view 304 is different from the YAHOO!® 'source page' 302, and clearly does not represent the rendering instructions of the authors of the YAHOO!® web site. Accordingly, for at least these reasons, Applicant respectfully traverses the rejections of claim 52 and 53 under 35 U.S.C. § 103(a) over Wang.

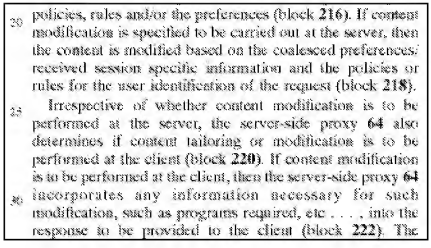
E. Dependent Claim 9

Dependent claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wang, in view of Britton. Applicant respectfully traverses.

Claim 9 recites, "removing said markup information from said device-independent content." The Final Office Action alleges that this feature is taught by Britton at Col. 8, lines 26-37 and Col. 12, lines 20-31. Applicant disagrees. The relied-upon passages of Britton are reproduced below:

> In addition to determining the distribution of content tailoring based upon policies, rules may also be established, for example, for particular operating environment conditions. Thus, rules may be established such as removing images from content provided to devices with less than a 120×150 pixel display. Images may be transformed to black and white only if the connection to a device is through a wireless connection. Similarly, rules can be based on the type of message. For example, if a message is an e-mail do not modify the content. If the message is sent to a PDA then only display heading lines and enclose text with XML/HTML "special" tags.

(Wang, Col. 8, lines 26-37).


policies, rules and/or the preferences (block **216**). If content modification is specified to be carried out at the server, then the content is modified based on the coalesced preferences, received session specific information and the policies or rules for the user identification of the request (block **218**).

Irrespective of whether content modification is to be performed at the server, the server-side proxy **64** also determines if content tailoring or modification is to be performed at the client (block **220**). If content modification is to be performed at the client, then the server-side proxy **64** incorporates any information necessary for such modification, such as programs required, etc . . . , into the response to be provided to the client (block **222**). The

(Wang, Col. 12, lines 20-31).

The relied-upon passages in columns 8 and 10 describe rules and processes for modifying content. However, neither these passages, nor any other section of Britton teaches or suggests converting device-independent content to device-dependent content by removing markup information. Applicant made this argument in its previous responses but it was ignored. Accordingly, Applicant respectfully traverses the rejections of claim 9 under 35 U.S.C. § 103(a) over Wang.

CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the final rejection is improper and should be reversed.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: September 2, 2009

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CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

2. The method of claim 50 further comprising specifying a feature-value set for a plurality of network terminal devices, said feature-value set including a set of selected device features with one or more discrete feature values assigned to each said selected device feature, each said selected device feature selected from the features of the plurality of network terminal devices in accordance with a pre-established criterion.

3. The method of claim 2 wherein said set of selected device features comprises a member of the group consisting of display size, aspect ratio, display line count, color capability, graphics capability, variable size text capability, different font capability, input capability, and input bandwidth.

4. The method of claim 2 wherein said pre-established criterion includes a determination that a particular said selected device feature affects the manner in which the authored content is presented.

5. The method of claim 2 wherein said feature value set comprises discrete values assigned to selected features of a generic network terminal device.

6. The method of claim 5 wherein said generic network terminal device comprises a set of device features selected from the display features of the plurality of network terminal devices.

8. The method of claim 50 wherein said step of converting the device-independent content comprises the step of identifying a metatag section of said markup information corresponding to the device feature values associated with the network terminal device.

9. The method of claim 50 wherein said step of converting the device-independent content comprises the step of removing said markup information from said device-independent content.

10. The method of claim 50 further comprising:

automatically analyzing said device-independent content; and

automatically embedding meta-data into said device-independent content, said meta-data comprising device feature values based on the device-independent content.

11. The method of claim 50 wherein said requesting network terminal device comprises at least one of a wireless telephone and a personal digital assistant.

12. The method of claim 50 further comprising identifying said requesting network terminal device prior to said step of identifying one or more of the device feature values associated with the network terminal device.

13. The method of claim 12 wherein said step of identifying said requesting network terminal device comprises reading network terminal device information contained in said request.

14. The method of claim 50 wherein said step of converting the device-independent content comprises:

determining the array of display pixels available in said requesting network terminal device based on the device feature values associated with the network terminal device;

comparing said array of display pixels with an array of image pixels corresponding to an image in the device-independent content;

selecting said image for display in said requesting network terminal device if said array of image pixels does not exceed said array of display pixels; and

suppressing said image from display if said array of image pixels does exceed said array of display pixels.

15. The method of claim 50 wherein said step of converting the device-independent content comprises:

determining an aspect ratio for said requesting network terminal device from the device feature values associated with the network terminal device;

sending content marked with an attribute of square to said requesting network terminal device if said aspect ratio is square;

sending content marked with an attribute of portrait to said requesting network terminal device if said aspect ratio is portrait; and

sending content marked with an attribute of landscape to said requesting network terminal device if said aspect ratio is landscape.

16. The method of claim 50 wherein said step of converting the device-independent content comprises:

determining that said device-independent content is marked as having a uni-axis free form characteristic;

identifying the number of segments supported by the display in said requesting network terminal device;

concatenating a number of rows for sending to said requesting network terminal device if said uni-axis free form characteristic includes a list characteristic, wherein said number of rows corresponds to said number of segments supported; and

concatenating a number of columns for sending to said requesting network terminal device if said uni-axis free form characteristic includes a column characteristic, wherein said number of columns corresponds to said number of segments supported.

17. The method of claim 50 wherein said step of converting the device-independent content comprises:

determining that said device-independent content is marked as having bi-axially free form characteristic;

identifying the character count supported by a display in said requesting network terminal device;

sending to said requesting network terminal device a segment of content, wherein the character count in said segment corresponds to said character count supported by said display.

20. The system of claim 51 further comprising a device profile repository accessible by said network terminal device detector, said device profile repository including a feature-value set for the requesting network terminal device, said feature-value set including a set of selected network terminal device features with one or more discrete device feature values assigned to each said selected network terminal device feature.

21. The system of claim 51 further comprising a content repository accessible by said origin server, said content repository for storing annotated authored content whereby said origin server provides device-independent content from said annotated authored content.

22. The system of claim 51 wherein said at least one network terminal device feature value is selected from the features of the requesting network terminal device in accordance with a pre-established criterion.

23. The system of claim 51 wherein said set of device feature values associated with the requesting network terminal device comprises a member of the group consisting of display size, aspect ratio, display line count, color capability, graphics capability, variable size text capability, different font capability, and input capability.

24. The system of claim 51 wherein said requesting network terminal device comprises at least one of a wireless telephone and a personal digital assistant.

26. The computer readable media of claim 52 wherein said step of converting comprises converting the content by interpreting metatags embedded in the content.

27. The computer readable media of claim 52 wherein said step of converting comprises converting the content into a landscape-formatted display format if the terminal device has a landscape-formatted display, and converting the content into a portrait-formatted display format if the terminal device has a portrait-formatted display.

28. The computer readable media of claim 52 wherein said step of converting comprises converting the content into a first aspect ratio if the terminal device has said first aspect ratio, and converting the content into a second aspect ratio if the terminal device has said second aspect ratio.

29. The computer readable media of claim 52 wherein said step of converting comprises converting the content into a small-sized image if the terminal device accommodates only small-sized images, and converting the content into a large-sized image if the terminal device accommodates large-sized images.

30. The computer readable media of claim 52 further comprising annotating the content with meta-data to indicate the manner in which portions of the content should be represented on a plurality of different terminal devices having incompatible display characteristics.

31. The computer readable media of claim 52 wherein said step of converting comprises performing a best-fit match between said device display characteristics and one of a plurality of display formats.

33. The method of claim 53, wherein identifying comprises determining a device type of the requesting data processing device, and looking up the one or more display feature values based on the device type.

34. The method of claim 53 wherein one of said one or more display feature values corresponds to a display size of the requesting data processing device.

35. The method of claim 53 wherein one of said one or more display feature values corresponds to an aspect ratio of the requesting data processing device.

36. The method of claim 53 wherein one of said one or more display feature values corresponds to a display line count of the requesting data processing device.

37. The method of claim 53 wherein one of said one or more display feature values corresponds to a color capability of the requesting data processing device.

38. The method of claim 53 wherein one of said one or more display feature values corresponds to a variable size text capability of the requesting data processing device.

39. The method of claim 53 wherein one of said one or more display feature values corresponds to a multiple font capability of the requesting data processing device.

40. The method of claim 53 wherein one of said one or more display feature values corresponds to an input capability of the requesting data processing device.

41. The method of claim 53 wherein one of said one or more display feature values corresponds to an input bandwidth of the requesting data processing device.

43. The method of claim 53, wherein said converting step comprises removing the annotations from the device-independent content.

44. The method of claim 53, wherein said requesting data processing device comprises a wireless telephone.

45. The method of claim 53 wherein converting comprises:

determining an array of display pixels available in said requesting data processing device based on the one or more display feature values;

comparing said array of display pixels with an array of image pixels corresponding to a content image;

selecting said content image for display in said requesting data processing device if said array of image pixels does not exceed said array of display pixels; and

suppressing said content image from display if said array of image pixels does exceed said array of display pixels.

46. The method of claim 53, wherein converting comprises:

determining an aspect ratio for said requesting data processing device based on the one or more display feature values; and

sending device-specific content in the determined aspect ratio to said data processing terminal device.

47. The method of claim 46, wherein said aspect ratio comprises a square aspect ratio.

48. The method of claim 46, wherein said aspect ratio comprises a portrait aspect ratio.

49. The method of claim 46, wherein said aspect ratio comprises a landscape aspect ratio.

50. A method comprising:

receiving device-independent content comprising markup information identifying one or more device feature values associated with the device-independent content, wherein the device-independent content is responsive to a content request from a network terminal device;

identifying one or more device feature values associated with the network terminal device;

matching at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the network terminal device;

based on said matching, converting the device-independent content into device-specific content adapted to said network terminal device; and

providing the device-specific content to the network terminal device.

51. A system, comprising:

a network terminal device detector configured to receive a content request from a network terminal device and to determine therefrom one or more device feature values associated with the requesting network terminal device;

an origin server configured to receive said content request and, in response thereto, to provide device-independent content corresponding to said content request, wherein said device-independent content comprises markup information identifying one or more device feature values associated with the device-independent content;

a transformer configured to receive said device-independent content from said origin server, to associate at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the network terminal device, and to transform said device-independent content into device-specific content formatted for the requesting network terminal device.

52. One or more computer readable media storing computer executable instructions that, when executed, perform a method comprising:

receiving a request for content from a terminal device;

based on said request, identifying one or more device display characteristics associated with the terminal device;

receiving content responsive to the request, wherein said content comprises markup information identifying one or more content display characteristics, said content display characteristics expressing instructions from an author for displaying said content on a plurality of devices having different display characteristics;

matching one or more device display characteristics with one or more content display characteristics;

based on said matching, converting the content into a device-dependent format compatible with one or more device display characteristics of the terminal device; and

transmitting said device-dependent formatted content to the terminal device.

53. A method comprising:

receiving a request for content from a data processing device;

identifying one or more display feature values associated with the requesting data processing device;

receiving device-independent content responsive to the request for content, the device-independent content comprising embedded annotations specifying instructions from an author for

displaying the content on a plurality of devices having different display characteristics, said embedded annotations including one or more content display feature values;

matching one or more display feature values associated with the requesting data processing device with one or more content display feature values in the embedded annotations in the device-independent content; and

converting the device-independent content into device-specific content based on said matching, said device-specific content compatible with one or more display feature values associated with the requesting data processing device.

54. The method of claim 50, wherein the markup information comprises a first metatag identifying a first value for a first device feature and a second metatag identifying a second different value for the first device feature.

55. The method of claim 54, wherein the first metatag is associated with a first portion of requested content and the second metatag is associated with a related second portion of requested content, and wherein only one of the first portion and the second portion is included in the device-specific content.

56. An apparatus comprising:

a processor configured to control some operations of the apparatus in conformance with computer executable instructions stored in memory, said instructions comprising:

receiving device-independent content comprising markup information identifying one or more device feature values associated with the device-independent

content, wherein the device-independent content is responsive to a content request from a network terminal device;

identifying one or more device feature values associated with the network terminal device;

matching at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the network terminal device;

based on said matching, converting the device-independent content into device-specific content adapted to said network terminal device; and

providing the device-specific content to the network terminal device.

57. The apparatus of claim 56, wherein a plurality of said device feature values associated with the network terminal device each corresponds to a member of the group consisting of display size, aspect ratio, display line count, color capability, graphics capability, variable size text capability, different font capability, and input capability.

58. Apparatus, comprising:

a processor configured to control at least some operations of the apparatus;

a transceiver configured to send data to and receive data from a wireless telecommunications system;

memory storing computer executable instructions that, when executed by the processor, cause the apparatus to:

send a request for content stored as device-independent content comprising a markup-language defined page, wherein said request comprises an indication of a type of the apparatus;

receive said content as device-dependent content, wherein said device-dependent content comprises a modified version of the device-independent content, said modifications based on the type of the apparatus.

59. The apparatus of claim 58, wherein said content has been modified based on markup information identifying one or more device feature values associated with the device-independent content.

60. The apparatus of claim 58, wherein the device feature values correspond to physical characteristics of the apparatus.

61. The method of claim 50, wherein the device feature values correspond to physical characteristics of the network terminal device.

62. The method of claim 50, wherein said matching comprises accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices.

63. The apparatus of claim 56, wherein said matching comprises accessing a device profile repository including feature-value data for a plurality of different types of network terminal devices.

EVIDENCE APPENDIX
37 C.F.R. § 41.37(c)(1)(ix)

NONE.

RELATED PROCEEDINGS APPENDIX
37 C.F.R. § 41.37(c)(1)(x)

NONE.